

Police

Regulations

Berkeley Police
Police - Berkeley

for Policemen themselves

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POLICE REGULATIONS

of the

BERKELEY POLICE DEPARTMENT

Berkeley, California

July 1, 1950

Revised February 1, 1971

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PREFACE

The Berkeley Police Regulations were adopted July 1, 1950 as authorized by the organization ordinance of the City of Berkeley. They represent a consolidation of the Rules and Regulations of 1924 with subsequent amendments in 1956, 1960, 1962, 1966, 1968, and 1971.


The purpose of these Regulations is in general, to provide a basis for the orderly and disciplined performance of duty. Their publication will promote a surer knowledge of what is expected of personnel generally, and of all ranks and assignments specifically. This should result in a greater degree of self assurance in all positions. In relationships between the ranks, it should be the aim of each officer to build continuously that mutual respect and confidence which is so essential to the effective operation of the department.

Police Regulations were developed in a series of conferences over an extended period. The objective at all times was to provide regulations which would be necessary and in addition, practicable and workable. Tentative drafts were reviewed and revised during many meetings involving commanding officers and sergeants, and finally the departmental representative Welfare Committee. During the early developmental period, the criticisms and comments of numerous patrolmen and sergeants were solicited and incorporated in subsequent revisions. With such wide participation, the Regulations in their final form may truly be said to represent the collective ideas of the members of the Department. To a large extent, therefore, it is expected that they will prove to be self-enforcing.

The Regulations contain four chapters and an appendix:

- Chapter 100 Authorization and Definitions
- Chapter 200 Personal Conduct and Duty Requirements
- Chapter 300 Uniform and Equipment Regulations
- Chapter 400 Duties and Responsibilities of the Ranks
and Departmental Organization
- Appendix I Information on Personnel Practices

At the time of issuance of the Regulations, each employee of the Department is required to acknowledge their receipt in writing, and one month later to sign a certification that he has read and understands them. In addition, each supervisory officer is required to acknowledge his personal responsibility for enforcing the Regulations. The purpose of this procedure is to assure individual familiarity with all regulations and thereby minimize the possibilities of violations resulting from lack of knowledge.



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In compiling these Regulations every effort has been made to confine them to those phases of official behavior which affect departmental operation and to avoid unwarranted or unnecessary intrusion upon the private life and off-duty actions of members of the Department. In the eyes of the public, however, a police officer is never off-duty and his every act may be subject to scrutiny, interpretation and comment. Therefore, the regulations must be based upon departmental welfare, and individual desires are often of necessity subjugated to the best interest of the organization as a whole.

The existence of the Department is justified solely on the basis of community service. Although departmental regulations provide a working pattern, official activity must not be confined within the limited orbit described by them. It is the duty and privilege of a police officer not only to protect the individual from the criminal, but also to protect and defend the rights of all citizens guaranteed under our structure of government. It may be said that matters of civil law are not a basic police responsibility and within reasonable limits officers should attempt to avoid becoming entangled in them. However, in many situations justice can best be served only by assisting in such matters. The broad philosophy of the department must embrace a wholehearted determination to protect and support the doctrine of individual rights while providing for the security of persons and property in the community.

The Police Regulations were first issued by Chief of Police John D. Holstrom on July 1, 1950. After five years of experience they were reviewed, revised and reissued effective January 1, 1956. Complete staff reviews have occurred periodically since that date, the most recent on February 1, 1971.

Chapter 4, "Duties and Responsibilities of the Ranks and Departmental Organization", was first issued with the revision of January 1, 1956. In all other sections where a change has been made, there appears at the end of the section the notation (Revised or added and the date).

The "Law Enforcement Code of Ethics", endorsed by the Berkeley Police Association on December 20, 1956, follows this preface. It has also been adopted by the Peace Officers' Association of the State of California and many law enforcement organizations throughout the United States.

Supplement 1

PREFACE

Section 9.04 of the Organization Ordinance 3069-N.S. provided that the Chief of Police shall adopt and enforce Rules and Regulations for the operation of the department.

All departmental orders as defined in Police Regulations 107 which were effective on July 1, 1950 and thereafter shall continue in full force and effect until canceled, amended or reissued as provided in Police Regulation 105.

B. R. BAKER
Chief of Police
May 1, 1969

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession -- law enforcement.

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Chapter 1

AUTHORIZATIONS AND DEFINITIONS

AUTHORIZATION

PR 100 By authority of Article IX, Section 114 of the Charter of the City of Berkeley, the City Council has enacted the Organization Ordinance 3069 N.S., which provides for the organization of Berkeley Municipal Departments. Chapter IX of the ordinance which pertains to the Police Department reads as follows:

"Section 9.01. A Police Department is hereby created which shall be under the direction of the Chief of Police, subject to the general administrative direction of the City Manager.

"Section 9.02. The Police Department shall consist of the Chief of Police, the employees provided by the Position Ordinance and such other employees as the City Manager may assign to said Department. The Chief of Police, subject to the approval of the City Manager, shall organize and maintain such divisions in said Department as the operations may in his judgment require.

"Section 9.03. The Chief of Police shall be responsible for the supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department. The Chief of Police shall, in the lawful exercise of his duties, and subject to the provisions of the City Charter, have all the powers that are now or hereafter may be conferred upon sheriffs by the laws of the State of California, and shall be entitled to the same protection.

"Section 9.04. The Chief of Police, subject to the approval of the City Manager, shall have authority to adopt rules and regulations for the administration, discipline, equipment and uniforms of the members and officers of the Department, fixing powers and duties and prescribing penalties for violations for any such rules and regulations, and providing for their enforcement.

"Section 9.05. The functions of the Police Department are the maintenance of law and order in the City; the enforcement in the City of all laws of the United States and of the State of California, and all ordinances of the City, except when such enforcement is by such law, ordinance or the Charter of the City made the responsibility of another officer or department, or when such enforcement is the responsibility of a State or Federal Agency or officer; the administration of the City prison and the care, custody and control of prisoners; the operation of the City pound; the performance of such other functions as may be assigned by the City Manager or prescribed by ordinance of the Council or by applicable State law. (Revised January 1, 1956)

"Section 9.06. In the case of absence or disability of the Chief of Police, a member of the Police Department designated by the City Manager shall perform the duties and exercise the powers of the Chief of Police."

- PR 101 By authority of Section 9.04 above, these Police Regulations are adopted, effective July 1, 1950, and revised, effective February 1, 1971. (Revised February 1, 1971)
- PR 102 Police Regulations are applicable to all officers of the Department and where specified, to all employees of the Department.
- PR 103 All existing rules, regulations, orders and instructions in conflict with these Police Regulations are cancelled.
- PR 104 All General and Special Orders, Instructions (including those on Departmental Forms) and Manuals, not in conflict with Police Regulations shall have the same authority as Police Regulations.
- PR 105 Police Regulations or General Orders shall not be cancelled amended or issued without the approval of and over the signature of the Chief of Police, or in his absence, the officer designated by the City Manager as Acting Chief of Police.
- PR 106 Failure of an employee either wilfully, or through negligence or incompetence, to perform the duties of his rank or assignment, or violation by an employee of any Police Regulation or Order, or instruction having the effect of a Regulation or Order, may be considered sufficient cause for discharge, demotion, suspension, or other penalty. (See Organization Ordinance, Section 9.04).

DEFINITIONS

PR 107 "Employee" - When used alone shall mean both peace officer personnel and civilian employee of the department collectively and a section reading "employee shall" refers to both classifications.

"Officer" - When used alone shall mean the peace officer personnel of the department (of all ranks including Policewomen, Assistant Policewomen, Special Officers, and members of the Berkeley Police Reserve) and shall have no reference to civilian employees. (Revised January 1, 1956)

"Commanding Officer" - An officer appointed to the rank of Lieutenant or higher or assigned by the Chief of Police to act in such rank.

"Supervisory Officer" - An officer appointed to the rank of Inspector or Sergeant or assigned by the Chief of Police to act in such a rank. Inspectors function in a supervisory capacity only in those situations where the subject matter is a Detective Division Assignment, or is of an emergency nature. (Revised October 1, 1968)

"Superior Officer" - An officer of higher rank. The ranks in the Berkeley Police Department in descending order are:

Chief

Captains

Lieutenants (Juvenile Bureau Director)

Inspectors (Special Investigations Director,
Security Director)

Sergeants (Identification Expert, Berkeley Junior
Traffic Police Director)

Patrolmen and Policewomen

Assistant Policewomen

Special Officers and members of the Berkeley Police Reserve
(Revised August 13, 1969)

In situations where two officers of the same rank are concerned, the superior officer shall be the one with greatest seniority in rank unless the other has been assigned as in charge.

(Revised May 1, 1960)

"General Order" - A written order issued by the Chief of Police applicable to the department as a whole or a division or bureau thereof, which establishes a principle, policy or procedure concerning a given subject and which is effective until revoked by a subsequent order.

"Special Order" - A written order issued by the Chief of Police applicable to the department as a whole, a division or bureau thereof, or an individual therein, which establishes a temporary principle, policy, or procedure on a given subject usually for a specific length of time. When the effective period of a Special Order is not specified, it automatically becomes inoperative with the passing of the incident or situation which caused its issuance.

"Administrative Instruction" - A written order issued by a commanding officer, establishing a principle, policy, or procedure concerning a given subject not covered by a General or Special Order or a Manual and directed to employees under the command of or within the responsibility of the issuing officer.

"Order" - An instruction, either written or verbal, issued by a superior officer.

"Manual" - A written series of administrative instructions, issued in pamphlet form, detailing operational procedure concerning a specific subject. (Revised March 15, 1970)

"Departmental Order" - An inclusive term embracing Police Regulations, General Orders, Special Orders, Administrative Instructions, and Manuals.

"Shall" and "May" - Shall is mandatory and may is permissive.

"Should" - Should is advisory. Where used (as in PR 234) it is intended that, while the procedure is not mandatory, it should be followed in the interest of the department. (Revised January 1, 1956)

Tense of Words - Words used in the present tense include the future.

Plurality of Words - The singular includes the plural and the plural includes the singular.

Chapter 2

PERSONAL CONDUCT AND DUTY REQUIREMENTS

ARRESTS, PRISONERS--SUSPECTS, CRIMINAL CASES

- PR 200 Arrest--Use of Force. Officers shall not use more force than necessary in making an arrest.
- PR 201 Prisoners--Property-Receipts For. Prisoners shall be given receipts for money or other property taken from them.
(Sec. 1412, California Penal Code)
- PR 202 Prisoners--Treatment During Detention. Prisoners shall be treated in a fair and humane manner at all times as provided by law. They shall not be subjected to physical force other than as may be required in subduing violence or assuring detention. No officer shall strike a prisoner or suspect except when necessary in the prevention of an escape or in self defense, or in the prevention of violence to another person.
- PR 203 Prisoners--Suspects--Safeguarding. Officers shall be cautious in the arrest and detention of prisoners or suspects and shall take all necessary precautions to prevent an escape, or the carrying of weapons on their person after arrest, or injury to themselves or any other person, or damage to property.
- PR 204 Prisoners--Suspects--Availability of Weapons. Officers shall not place weapons, or objects adaptable for use as weapons and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended, in any location in the Hall of Justice normally accessible to a prisoner or suspect. This regulation shall not apply to fixtures or furnishings which are part of the physical plant.
- PR 205 Prisoners--Suspects--Females--Handling. Female prisoners or suspects shall be touched only as necessary in taking them into custody and determining that weapons are not being concealed. This regulation shall not apply to a woman officer conducting a search of the person of a female prisoner or suspect.
- PR 206 Prisoners--Suspects--Females--Transporting. Female prisoners or suspects shall not be transported by a male officer unless he is accompanied by another officer, either man or woman, or a citizen, except in an emergency.

- PR 207 Prisoners--Suspects--Females--Second Person Present. Officers shall utilize the services of woman officers to assist in processing female prisoners or suspects whenever possible and practical. A male officer shall not talk to a female prisoner or suspect alone in an interrogation room unless there is visibility into the room through glass or an open door.
- PR 208 Compromising Criminal Cases--Taking Part In. No officer shall interfere with the Courts, or, for personal gain or benefit, use his official position to make any arrangement for any criminal to escape prosecution.
- PR 209 Criminal Information--Revealing--Prohibited. Employees shall not reveal any information in their possession, however obtained, which may enable anyone to escape detection, arrest, or prosecution; or enable anyone to destroy evidence, or to destroy or secrete stolen property.
- PR 210 Withholding Criminal Information. Officers receiving or possessing facts or information relative to a criminal offense or case shall not retain such facts or information through ulterior motives, desire for personal credit, or aggrandizement, but shall report the facts or information in accordance with departmental procedures.
- PR 211 Prisoners--Suspects--Transacting With. No officer shall buy or accept any article for personal disposition from any suspect or prisoner or from any associate of any suspect or prisoner.
- PR 212 Prisoners--Bail--Officer Posting. No officer shall become bail for persons under arrest, except members of his immediate family*, without the consent of a commanding officer.
- PR 213 Bondsmen--Arranging For. No officer shall suggest the name of or recommend any person or firm engaged in the business of furnishing bail, to any prisoner or person desiring bail, except a member of his immediate family*. Officers shall be governed in their relations with bail bond brokers by departmental orders.
- PR 214 Attorneys--Arranging For. No officer shall suggest the name of or recommend any attorney to any prisoner or person involved in a criminal or civil case of interest to this department, except a member of his immediate family*.

* "Immediate family" is defined in City of Berkeley Personnel Rules and Regulations.

REWARDS--GRATUITIES

- PR 215 Solicitation--Acceptance. Employees shall not solicit or accept rewards, presents, gratuities, or compensation other than that paid by the City, or as provided for by City Ordinance or departmental order, for services performed in line of duty. Should any reward, gratuity, present, or unauthorized compensation come into an employee's possession it shall be immediately forwarded to the Administrative Division Commander accompanied by a written report outlining all circumstances connected therewith. (Revised February 1, 1971)
- PR 216 Solicitation--Special Privileges. No officer shall use his badge, uniform, identification card or official position to solicit special privileges for himself or others such as free admission to places of amusement, discounts on purchases, or other favors, except as expressly permitted in the departmental orders. An officer may use his badge or other official credentials to obtain admission to any public gathering when such use is in furtherance of official duty. Should admission, under these circumstances, be refused, the officer shall pay the required fee and file a report with his commanding officer, outlining the circumstances and requesting reimbursement.
(Revised 4-25-61)
- PR 217 Witness Fees--Remuneration For. Officers shall not accept anything for appearing in civil court in any matter arising out of their official employment except overtime and expenses from the City of Berkeley.

OUTSIDE EMPLOYMENT

- PR 218 Outside Employment. Employees shall not engage in any business or calling or incur any obligation of civil public service other than employment in this department except as provided by departmental order (see Rule XX, Sections 1 and 4, City of Berkeley Personnel Rules and Regulations).

CIVIL ACTIONS--BY OR INVOLVING EMPLOYEES

- PR 219 Civil Actions--Institution Of. Employees shall not institute any civil action arising out of their official duties without first notifying the Administrative Division Commander.
(Revised February 1, 1971)
- PR 220 Civil Cases--Misuse of Position. Officers shall not use their positions with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the officer.

PR 221 Civil Cases--Personal Injury Settlements. Employees shall not accept or agree to accept anything as payment for personal injury incurred in line of duty without first notifying the Administrative Division Commander.
(Revised February 1, 1971)

PR 222 Civil Matters--Serving Papers. Officers shall not serve civil papers except as directed by a commanding officer.

COURT APPEARANCES--OFFICERS

PR 223 Court--Officers Personal Appearance. Employees subpoenaed to Municipal or Superior Court for matters being heard before a jury shall wear conservative business suits. Employees subpoenaed to Municipal or Superior Court for matters being heard without a jury may appear in either uniform or a conservative business suit. Deviations from this regulation may be authorized by a commanding officer or a Deputy District Attorney. (Revised May 1, 1971)

PR 224 Court--Manner of Testifying. Officers in court shall avoid any indication of bias, prejudice, or anger. They shall testify in a clear, concise, and distinct manner. Questions shall be answered promptly, truthfully, and without trace of evasion. Personal behavior shall be exemplary both while in court waiting call and while on the witness stand. (Revised January 1, 1956)

PR 225 Court--Punctuality. Officers required to be in court by departmental order or subpoena shall be prompt in attendance and shall remain until excused by competency.

COOPERATION WITH PRESS AND OTHER AGENCIES

PR 226 Cooperation--Other Public Agencies. Officers shall cooperate with all law enforcement agencies, other City departments, and public service organizations and shall give aid and information as such organization may be entitled to receive consistent with departmental orders.

PR 227 Cooperation--Press. Officers shall extend full cooperation to members of the press consistent with departmental orders, provided the successful investigation or prosecution of a police case is not thereby jeopardized. Any situation which involves a question of relationship with the press and which cannot be satisfactorily resolved by the officer shall be referred to a superior officer.

DEPARTMENT

- PR 228 Department. Employees, whether on duty or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon the department or the City of Berkeley. (See Rule XX, Section 2, City of Berkeley Personnel Rules and Regulations).
- PR 229 Intoxicants--Reporting For Duty. No officer who has the odor of or is under the influence of alcoholic beverage shall report for duty under any circumstances unless he has first given this information to and has been ordered to report by a superior officer.
- PR 230 Intoxicants--On Duty. No officer in uniform shall drink any alcoholic beverage while on duty. No officer in plain clothes shall drink any alcoholic beverage while on duty, except when necessary in the performance of duty.
- PR 231 Intoxicants--Transporting. No officer shall bring alcoholic beverages into the Hall of Justice or, while on duty, transport alcoholic beverages in his automobile except evidence, property of a prisoner or suspect, or found property.
- PR 232 Intoxicants--In Uniform. No officer off duty and in uniform, or in any part of uniform dress shall drink any alcoholic beverage in public view or in a place accessible to the public.
- PR 233 Intoxicants--Off Duty. No officer while off duty shall drink an alcoholic beverage to an extent which renders him unfit to report for his next regular tour of duty; or which results in the commission of an obnoxious or offensive act which might tend to bring discredit upon the department.
- PR 234 Smoking--In Uniform--In Public View. Officers in uniform when out of automobiles shall not smoke in view of the general public, except while patrons in restaurants. An officer in an automobile should not smoke in such manner as to attract public attention. (Revised May 1, 1968)
- PR 235 Smoking--In Uniform--Hall of Justice and Hospitals. Officers in uniform in the Hall of Justice, City Hall, or in hospitals shall not smoke in locations accessible to the general public such as a public counter or public corridor.

- PR 236 Smoking--On Official Calls. Officers on duty, either in uniform or plain clothes, when calling at a residence or a place of business, shall not smoke unless permission to do so has been received.
- PR 237 Controversial Discussion. Officers on duty shall not speak slightingly of any nationality, race, or religion.
- PR 238 Respect Between Officers. Officers shall treat other members of the department with the respect and response due to them as fellow officers. (Revised January 1, 1956)
- PR 239 Courtesy. Employees shall at all times be courteous and civil to the public and to one another. They shall be quiet, orderly, attentive, and respectful, and shall exercise patience and discretion in the performance of their duties.
- PR 240 Acts--Statements--By Officers. Officers shall not perform any acts or make any statements oral or written for publication or otherwise which tend to bring the department or its administrative officers into disrepute or ridicule; or which destructively criticize the department or its administrative officers in the performance of their official duties; or which tend to disrupt or impair the performance of official duties and obligations of officers of the department; or which tend to interfere with or subvert the reasonable supervision or proper discipline of officers of the department.
- PR 241 Amusement--Places Of--Restriction. Officers on duty shall not enter any place of amusement except when necessary in the performance of duty or periodic inspection.
- PR 242 Political Activity. Employees shall not engage in improper political activity; nor shall they engage in political activities or services of any nature during those hours in which they are employed by the Police Department; nor shall City funds, supplies, property, or equipment be utilized in performing any services of a political nature. (See Section 17, City Personnel Ordinance No. 2342 N.S.)
- PR 243 Organizational Membership. Employees shall not belong to or participate in the activities of any organization, association, society or other group, the activities or purpose of which is subversive in nature; or which in any way may adversely influence or control the work or service of such employees in their official capacity.

- PR 244 Labor Unions--Officers--Membership. Officers shall not join or participate in any employee organization except an employee organization which is composed solely of peace officers, which concerns itself solely and exclusively with the wages, hours, working conditions, welfare programs and advancement of the academic and vocational training in furtherance of the police profession, and which is not subordinate to any other organization. (Revised February 1, 1971)
- PR 245 Public Talks--Conventions. Officers shall secure the permission of the Administrative Division Commander or the Chief of Police before attending conventions or filling speaking engagements as official representatives of the department. (Revised February 1, 1971)
- PR 246 Business or Personal Cards. Business or personal cards which refer to the department shall be used by officers only in connection with official business and shall conform to the approved departmental form.
- PR 247 Departmental Keys. Employees shall obtain permission from the Captain of the Service Division before having duplicates made of any departmental key, or before lending or furnishing departmental keys to any persons not employed by the department. (Revised May 1, 1960)
- PR 248 Badge--Police Credentials--Lending Of. Officers shall not use another officer's badge or official police credential without permission of a superior officer; nor shall they knowingly permit any person not appointed in this department to use a Berkeley Police Department badge or official credential at any time. (See Rule XX, Section 5, City of Berkeley Personnel Rules and Regulations).
- PR 249 Personal Aggrandizement--Advertisement. Employees shall not permit the use of their photographs or names for advertising purposes; or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the department, without the approval of the Chief of Police.

PR 250 Payment of Debts. Employees shall so arrange their personal financial affairs that creditors and collection agencies will not have to make use of the offices of the City Manager, the Personnel Director, Chief of Police or the Administrative Division Commander for the purpose of making collections. (See Rule XX, Section 3, City of Berkeley Personnel Rules and Regulations). (Revised February 1, 1971)

PR 251 Shopping in Uniform. Officers in uniform shall not shop extensively or carry large quantities of merchandise unless directly connected with their normal police activity or required in line of duty.

PR 252 Newspapers--Periodicals--Reading On Duty. Officers on duty shall not read newspapers, periodicals, or similar material in the public view except in connection with official duty.

DEPARTMENTAL RECORDS AND FILES--RESTRICTED USE

PR 253 Records and Information--Restricted Use Of. Employees shall not divulge to any person not connected with the department information acquired by his employment if the information might discredit or imperil the efficiency of the department, unless required by law, departmental order, or order of a commanding officer. Departmental records and reports shall be exhibited only in conformity with departmental orders.

PR 254 Information--Misuse Of. No employee shall knowingly permit the misuse of any police information either in his own interest or that of another person.

DUTY REQUIREMENTS--MISCELLANEOUS

PR 255 Obedience--Laws and Orders. Employees shall obey the laws of the United States and the State of California; ordinances of the County of Alameda and the City of Berkeley; departmental orders; and lawful orders of courts.

- PR 256 Obedience--Orders of Superior Officers. Officers shall obey the lawful orders of a superior officer at all times. Should an order conflict with any order given previously by another superior officer or with any departmental order, the officer to whom such order is given shall respectfully call attention to the conflict. If the superior officer, giving such order, does not change it to eliminate the conflict, the order shall stand and the responsibility shall be his.
- PR 257 Enforcement of Laws--Impartiality. Officers shall enforce laws in a fair and impartial manner.
- PR 258 Unnecessary Interference--Private Business. Officers shall not interfere unnecessarily with the lawful business of any person.
- PR 259 Truth--False Reports. Employees shall not knowingly make a false report, either verbal or written.
- PR 260 Bulletin Information--Knowledge Of. Officers shall acquaint themselves, daily when on duty and immediately upon return from an absence, with information on the Daily Police Bulletin and wanted circulars, pertinent to themselves or their assignments.
- PR 261 Bulletin Boards--Daily Police Bulletin--Posting Information. Officers shall secure permission of a commanding officer before placing any material on a departmental bulletin board, and placing of notices on the Daily Police Bulletin shall be in conformity with departmental orders.
- PR 262 Address-Telephone--Change Of. Employees shall report any change of their telephone or address on official forms, which shall be forwarded to the Administrative Division Commander as soon as possible and in no event later than three days after the change becomes effective.
(Revised February 1, 1971)
- PR 263 Duty--Presence. Employees shall be present for duty as scheduled unless absence is authorized by competent authority.

- PR 264 Duty--Reporting For. Unless expressly authorized by a commanding officer, employees shall report for, and shall maintain while on duty, a neat and well-groomed appearance. Employees shall report for duty at the time, place, in the attire, and with the equipment specified by departmental orders or a superior officer. Inability to do so shall be reported prior to reporting time to the Desk Officer on duty or their superior officer.
(Revised July 14, 1971)
- PR 265 Duty--Signing Off. Employees shall sign themselves off duty on the time sheet in person and at the station at the expiration of their tours of duty unless exceptional procedure is authorized by a superior officer.
- PR 266 Duty--Required. Employees on duty shall devote their entire time and energies to the duties and responsibilities of the rank, grade, or position to which they are assigned, either permanently or temporarily, as specified by laws, ordinances, departmental orders, and instructions from superior officers.
- PR 267 Duty--Sleeping On. Officers shall remain awake during the time they are on duty. If unable to do so they shall so report to their superior officer, who shall determine the proper course of action.
- PR 268 Duty--Refreshments On. Officers shall not leave their place of assignment for coffee or refreshments except by permission of their superior officer.
- PR 269 Duty--Communications--Maintenance Of. Officers on duty, or when officially on call, shall be directly available by normal communication or shall keep their office, headquarters, or superior officer informed of the means by which they may be reached when not immediately available.
- PR 270 Off-Duty--Service Requirements. Officers off duty shall perform necessary police service in the City of Berkeley whenever they are aware of a serious criminal offense or a present threat to life. Members of the Berkeley Police Reserve are exempted from this regulation.
(Revised July 1, 1956)
- PR 271 Off-Duty--Response to Emergencies. Employees off duty shall report for duty immediately upon receipt of and in compliance with the directions given them at the time of notification.

- PR 272 Expense--Departmental--Incurring. Employees shall not knowingly and intentionally incur any unauthorized departmental expense or liability without approval of a superior officer, except when necessary under emergency conditions.
- PR 273 Citizens--Directing. Officers shall comply whenever possible with requests by citizens for public information. If necessary they shall direct such persons to the nearest location where the information may be obtained.
- PR 274 Citizens--Complaints of. Officers on duty shall be attentive to reports and complaints by citizens and either give personal attention or refer them to the proper person or agency.
- PR 275 Identification to Public. Officers on official business shall upon request identify themselves immediately by giving their names and displaying their badges or official credentials unless such action is likely to jeopardize the successful completion of a police assignment.
- PR 276 Reports--Submission Of. Officers shall submit written reports as required by and in conformity with departmental orders or instructions of a superior officer.
- PR 277 Property--Personal Use. Officers shall not purchase, convert to their own use, or have any claim in any found, abandoned, or recovered property, or property held as evidence. (Revised January 1, 1956)
- PR 278 Monies--Acceptance Of. Officers shall not accept money as bail or in payment of a fine except as provided in departmental orders.
- PR 279 Correspondence--Official Stationery--Use Of. Officers shall not enter into correspondence with any person concerning their official activities except as provided by departmental orders; nor shall they use departmental stationery or forms for any purpose other than the transaction of official business.
- PR 280 Time--Sale Of. Time accumulated by working overtime, court appearance, sick leave, vacation leave, representation or in any other manner shall not be sold to or purchased by another member of the department. (Revised January 1, 1956)

Chapter 3

UNIFORM AND EQUIPMENT REGULATIONS

UNIFORM REGULATIONS

PR 300 Uniform--Regulation--Male Officers. The regulation uniform for male officers of the Berkeley Police Department shall consist of the following items, detailed specifications for which are on file in the office of the Administrative Division Commander:

Coat	Shirt
Trousers	Shoulder Patch
Cap	Shoes
Tie	Belt and Holster Assembly

PR 301 Uniform--Regulation--Women Officers. The regulation uniform for women officers of the Berkeley Police Department shall consist of the following items, detailed specifications for which are on file in the office of the Administrative Division Commander:

Coat	Shoulder Patch
Skirt	Shoes
Tie	Purse
Shirt	Hats--optional

(Revised February 1, 1971)

PR 302 Uniform--Optional--Male Members. Wearing of the following uniform items is optional, but when worn they shall conform to detailed specifications on file in the office of the Administrative Division Commander:

Service Stars	Raincoat
Scarf	Rubber Boots
Nylon Jacket	Rubbers
Cap Cover	Rain Pants
Rain Jacket	

(Revised February 1, 1971)

PR 303 Uniform--Regulations--Police Service Assistant. The regulation uniform for Police Service Assistants of the Berkeley Police Department shall consist of the following items, detailed specifications for which are on file in the office of the Administrative Division Commander:

Cap	Patch Shield
Shirt	Belt, handcuff case and key strap
Tie	Shoes
Trousers	Jacket
Rain jacket and pants	

(Added February 1, 1971)

PR 304 Uniform--Regulations--Police Aide and Male Trainee. The regulation uniform for Police Aides and male Trainees of the Berkeley Police Department shall consist of the following items, detailed specifications for which are on file in the office of the Administrative Division Commander:

Cap	Shoes
Shirt	Jacket
Tie	Rain jacket and pants
Trousers	Shirt shoulder strap covers
Belt	(Added February 1, 1971)

PR 305 Uniform--Insignia of Rank. The departmental rank of male officers shall be indicated by the following insignia when uniforms are worn:

Chief of Police - Chief's badge and cap shield, gold braid on cap, single star (silver) on shoulder or shirt collar (star mandatory on coat)

Captains - Captain's badge and cap shield, gold braid on cap, double bar (silver) on shoulder or shirt collar (shoulder bars mandatory on coat).

Lieutenants - Lieutenant's badge and cap shield, gold braid on cap, single bar (silver) on shoulder or shirt collar (shoulder bars mandatory on coat).

Inspectors - Inspector's badge and Police cap shield, single bar identical to U.S. Navy Warrant Officer III on shoulder or shirt collar (shoulder bars mandatory on coat).

Sergeants - Sergeant's badge and cap shield, sergeant's chevrons on coat and shirt.

Patrolmen - Patrolman's badge and cap shield.

(Revised February 1, 1971)

PR 306 Uniform--Who Must Possess. All officers of the department shall possess a regulation uniform except:

Captain of Detectives
Lieutenant of Detectives
Inspectors with more than five years in rank.
Policewomen

Civilian employees of the department who shall possess a regulation uniform are:

Police Service Assistants
Police Trainees (male)
Police Aides

(Revised February 1, 1971)

- PR 307 Uniforms--Wearing of--Who Shall. All on-duty officers, and civilian personnel authorized to wear uniforms shall be attired in regulation uniform including insignia of rank except as otherwise provided by departmental order or orders of a superior officer. The wear of uniform coat or jacket is optional except when ordered by competent authority.
(Revised February 1, 1971)
- PR 308 Uniforms--Specifications--Shall Conform. Employees on duty shall not wear any uniforms, or portions thereof, which do not conform with the specifications on file in the office of the Administrative Division Commander.
(Revised February 1, 1971)
- PR 309 Uniforms--Authorization to Purchase--New Employees. Employees newly appointed shall not purchase or wear uniforms or portions thereof until authorized by a commanding officer. When the uniform is initially obtained the employee shall present himself to the Administrative Division Commander for inspection.
(Revised February 1, 1971)
- PR 310 Uniforms--Equipment--Maintenance Of. Employees shall maintain uniforms and equipment in serviceable condition. Uniforms or portions thereof shall be clean, pressed, and shall not be noticeably patched, torn, or worn. Shoes, leather and metal equipment shall be well polished.
(Revised February 1, 1971)
- PR 311 Uniform Cap--Wearing Of--Removal. Employees on outside uniform duty shall wear their caps except when removal is dictated by normal courtesy or effective police action. Caps shall be worn in a level manner.
(Revised February 1, 1971)
- PR 312 Uniform Necktie--Wearing Of--Removal. Uniformed employees shall wear their regulation ties with the long sleeve shirt except when removal is authorized by a commanding officer or in the absence of a commanding officer, the senior supervisory officer, when the prevailing temperature and climatic conditions meet the criteria established by the Chief of Police. Employees authorized to do so shall wear the short sleeve uniform shirt without the tie and open at the collar, except that they shall wear the regulation tie when the short sleeve shirt is worn with the uniform coat or jacket.
(Revised February 1, 1971)

PR 313 Non-uniform Attire. All on-duty employees who are authorized by departmental order or orders or a superior officer to wear civilian attire in place of a regulation uniform shall wear conservative business suits for planned court appearances, public appearances or when deemed appropriate. At other times, on-duty employees may wear conservative sport coats, slacks and ties with a dress shirt.

(Revised February 1, 1971)

EQUIPMENT REGULATIONS

PR 314 Equipment--Personal--Furnished by City. Male officers at time of employment shall be furnished by the City with the following items of equipment:

- | | |
|----------------------------|-------------------------|
| 1. Badge | 6. Looseleaf notebook |
| 2. Handcuffs and keys | 7. Citation book |
| 3. Police box key | 8. Gym locker key |
| 4. Departmental Order Book | 9. Ammunition |
| 5. First Aid Book | 10. Hall of Justice key |
| | 11. Attache case |

Police Service Assistants, Police Aides and male Trainees shall be furnished by the City with the following items of equipment:

- | | |
|---------------------------------------|------------------------|
| 1. Badge (Except P.S.A.'s) | 5. Hall of Justice key |
| 2. Handcuffs and keys (P.S.A.'s only) | 6. Cap shield |
| 3. Police box key | |
| 4. Departmental Order Book | |

(Revised February 1, 1971)

PR 315 Equipment--Personal--Furnished by Employee. Male officers at the time of employment shall provide at their own expense the following items of equipment:

- | | |
|---|--|
| 1. Revolver | 5. Watch |
| 2. Flashlight | 6. Whistle |
| 3. Key ring | 7. Cap shield (when purchase authorized by a Commanding Officer) |
| 4. Fountain or ball point pen with black ink. | |

Police Service Assistants, Police Aides and male Trainees at the time of employment shall provide at their own expense the following items of equipment:

- | | |
|--|------------|
| 1. Flashlight | 4. Watch |
| 2. Key ring | 5. Whistle |
| 3. Fountain or ball point pen with black ink | |

(Revised February 1, 1971)

PR 316 Equipment--Specifications--Shall Conform. Employees on duty shall not carry any required equipment which does not conform with the specifications on file in the office of the Administrative Division Commander.

(Revised February 1, 1971)

PR 317 Equipment--Carried on Person. Male officers on duty shall carry the following items of equipment on their person:

- | | |
|--|-------------------------------|
| 1. Badge | 5. Firearm |
| 2. Handcuffs | 6. Fountain or ball point pen |
| 3. Keys (handcuffs, police box, Hall of Justice) | 7. Watch |
| 4. Key ring | 8. Whistle |

Police Service Assistants, Police Aides and male Trainees on duty shall carry the following items of equipment on their person:

- | | |
|---------------------------------------|-------------------------------|
| 1. Badge (Aides and Trainees only) | 4. Key Ring |
| 2. Handcuffs and keys (P.S.A. only) | 5. Fountain or ball point pen |
| 3. Keys (police box, Hall of Justice) | 6. Watch |
| | 7. Whistle |

In addition, all shall have readily available flashlight and day books. Omission of one or more of the items specified above must be approved by a superior officer and then only for an exceptional police purpose.

(Revised February 1, 1971)

PR 318 Batons--Use Of--When. Batons shall be used in the performance of a police duty only when necessary. A written report shall be filed with a superior officer as soon as practical following the injury to any person by the use of a baton.

PR 319 Auxiliary Weapons--Carrying on Duty--Restricted. Officers on duty shall not carry auxiliary weapons, either on their persons or in vehicles, without written approval of a commanding officer; except that during a period of temporary emergency such weapons may be carried with verbal approval of or upon order of a commanding officer.

(Revised February 1, 1971)

PR 320 Automatic Weapons--Chemicals--Approval to Use. Officers shall not use sub-machine guns, gas, or other types of chemical weapons not specifically approved for departmental use except with the approval of a commanding officer.

(Revised May 1, 1968)

PR 321 Aerosol Gas Dispenser--Use of--When Permitted. Officers shall use the aerosol gas dispenser in the performance of police duty only when necessary and after other reasonable efforts to control a violent person have failed. Every officer using the dispenser shall file a written report with his superior officer as soon as practical.
(Added May 1, 1968)

CARE AND USE OF FIREARMS

PR 322 Firearms--Display Of--By Officer. Officers shall not unnecessarily display any firearm in any public place or carelessly handle a firearm at any time. "Dry snapping" of weapons in the Hall of Justice shall be confined to the range.

PR 323 Firearms--Discharge of--When Permitted. Officers shall not discharge firearms in connection with police duty except under the following circumstances:

- (1) At an approved range.
- (2) Killing animals seriously wounded or dangerous, when other disposition is impractical.

Or, when all other reasonable means have failed:

- (3) In the necessary defense of the officer's life.
- (4) In the necessary defense of the life of another person.
- (5) To apprehend a KNOWN felon, when the officer has reasonable cause to believe he may be armed and may be an immediate threat to life.

(Revised February 1, 1971)

PR 324 Firearms--Discharge of--File Report. Any officer who discharges a firearm accidentally or intentionally while performing any police function shall make a verbal report to the Desk Officer as soon as circumstances will permit and shall file a written report with his superior officer as soon as practical.

PR 325 Firearms--Cleaning or Loading--Restrictions. Employees shall not clean, repair, load or unload firearms, except as noted below, any place in the Hall of Justice other than those locations specified by the Chief Rangemaster. This restriction shall not apply to sidearms when loading or

PR 325 Firearms--Cleaning or Loading--Restrictions (Continued)

unloading is ordered by a superior officer for inspection purposes. Rifles, shotguns or other weapons which have been removed from the arms locker for a temporary police purpose shall be presented to a superior officer or the desk officer for inspection before being returned to the locker.

(Revised February 1, 1971)

PR 326 Firearms--Weapons--Storage-Of. Employees shall not place or store any firearms in the Hall of Justice except when the place of storage is locked.

(Revised February 1, 1971)

PR 327 Firearms--Selling--Restrictions. Employees shall not lend, give, or sell any firearms to any persons who do not have a legal right to possess such firearm.

(Revised February 1, 1971)

PR 328 Firearm--Purchase or Loss of--File Report. Officers shall file a written report with the Administrative Division Commander immediately following the purchase, replacement, loss, or other disposition of regulation firearms and shall list complete descriptions including the serial numbers. Reports concerning the loss of a regulation firearm shall include all facts surrounding the loss.

(Revised February 1, 1971)

PR 329 Ammunition--Replacement--Security Of. Officers shall be issued normal replacement ammunition by their superior officer. No ammunition for replacement purposes shall be obtained from the arms locker except for emergency police conditions.

POLICE VEHICLES, PRIVATELY OWNED AND CITY OWNED

PR 330 Police Vehicles--Safe Operation. Employees operating police vehicles shall drive in a reasonable and prudent manner. Officers shall not use police vehicles to ram or block other vehicles or moving objects unless:

1. It is necessary in defense of the officer's life or the life of another person, or,
2. After all reasonable means have failed, it is necessary to prevent the escape of a person whom the officer has reasonable cause to believe is a felon and, in the officer's judgment, may be a serious threat to life.

(Revised February 1, 1971)

PR 331 Police Vehicle--Equipment--Radio. Police vehicles shall have installed therein radio equipment furnished by the City as specified and ordered by the Chief of Police.

PR 332 Police Vehicles--Passengers In. Employees operating police vehicles shall not permit passengers to ride except when necessary in the accomplishment of an essential police objective or when authorized by a commanding officer, or in the absence of a commanding officer, by the ranking officer on duty. (Revised February 1, 1971)

PR 333 Police Vehicles--Citizens Request to Ride with Officers. Requests from persons who wish to ride as observers in patrol cars must be in writing and shall include a signed waiver releasing the City of any or all liability for injury or death. (Revised February 1, 1971)

CARE AND USE OF DEPARTMENTAL PROPERTY

PR 334 Departmental Property--Location--Moving From. Employees shall not move office equipment or furnishings outside of the division to which the equipment is assigned without permission of the commanding officer of the division concerned. (Revised February 1, 1971)

PR 335 Departmental Property--Care Of. Employees using departmental equipment or property shall be responsible for its proper care and use.

(Revised February 1, 1971)

PR 336 Departmental Property--Loss or Damage--File Report. Employees shall promptly report in writing through channels to their superior officer the loss of, damage to, or unserviceable condition of any departmental property or equipment issued for, or assigned to, their use. Such reports shall be forwarded immediately by the superior officer to the proper division. (Revised February 1, 1971)

PR 337 Advertising Matter--Hall of Justice--Posting Of. Employees shall not attach posters, advertising matter, or other objects to the walls of the Hall of Justice without authorization of the Captain of the Service Division.

(Revised May 1, 1960)

CHAPTER 4

DUTIES AND RESPONSIBILITIES OF THE RANKS

AND

DEPARTMENTAL ORGANIZATION

- PR 400 General Responsibilities of Officers and Employees.
It shall be the duty and responsibility of each officer and employee to fulfill to the greatest extent possible the functions of the police department and the bureau, division or unit to which he is assigned, and to perform any duty assigned by a superior officer.
- PR 401 Individual Responsibilities of Officers. Each officer of the department is individually responsible for:
- a. The proper execution of assigned duties.
 - b. The prevention of crime.
 - c. The suppression of crime.
 - d. The enforcement of laws.
 - e. The arrest of offenders, depending upon the nature of his specific assignment.
 - f. Maintenance of proper public relations.
 - g. Maintenance of discipline.
 - h. Adherence to rules, regulations, orders and departmental procedures.
 - i. Enforcement of rules, regulations, orders and procedures among subordinates.
 - j. Reporting promptly through channels developments that may unusually affect public or official relations.
 - k. Initiating police action when necessary.
 - l. The proper care and use of departmental equipment, supplies and facilities.

PR 402 Responsibilities of Supervisory Officers. Each supervisory officer, in addition to the general and individual responsibilities of each officer and employee, shall be responsible for:

- a. The detailed inspection of all activities of employees under his supervision.
- b. An intimate knowledge of the duties and responsibilities of his subordinates.
- c. Proper performance of duties, and adherence to policies and procedures by each member of his unit.
- d. The enforcement of rules and regulations among members of his unit.
- e. Working as closely with his subordinates as time and area permit.
- f. Providing leadership in carrying out police activities.
- g. Coordination of effort, when more than one employee is involved, and the assignment of duties.
- h. Functional supervision of employees not being directly supervised.
- i. Detailed training on the job as necessary to insure efficient operations by subordinates.
- j. The effective operation of his unit.
- k. Providing command to members of his division as necessary in the absence of divisional command or a ranking officer.

PR 403' Responsibilities of Commanding Officers. Each commanding officer, in addition to the general and individual responsibilities of each officer and employee, shall be responsible for:

- a. The direction and control of personnel under his command.
- b. The maintenance of discipline among members of his command.
- c. Proper performance of duties and adherence to policies and procedures by each member of his command.
- d. The enforcement of rules and regulations among members of his command.
- e. Providing supervision and command to members of other divisions as necessary in the absence of divisional command.
- f. The discharge of detailed divisional responsibilities.
- g. The proper condition and maintenance of quarters assigned to his division.
- h. The proper maintenance, use and operation of equipment, supplies and materials assigned for division use.
- i. The prompt initiation of employee, supervisory, or administrative action when necessary to fulfill a functional responsibility of the department or division when such action is not otherwise being taken.
- j. The effective operation of his division or unit.
- k. Providing continuation of command and/or supervision in his absence.
- l. Preparation of correspondence pertaining to activities of the division.

FUNCTIONAL RESPONSIBILITIES OF THE POLICE DEPARTMENT

PR 404 The functions of the Police Department are the maintenance of law and order in the City; the enforcement in the City of all laws of the United States and of the State of California, and all Ordinances of the City, except when such enforcement is by such law, Ordinance, or the Charter of the City made the responsibility of another officer or department, or when such enforcement is the responsibility of a state or federal agency or officer; the administration of the City prison and the care, custody and control of prisoners; the operation of the City Pound; the performance of such other functions as may be assigned by the City Manager or prescribed by Ordinance of the Council or by applicable state law.

Section 9.02 of Ordinance 3069 N.S. of the City of Berkeley provides that "....The Chief of Police, subject to the approval of the City Manager, shall organize and maintain such divisions in said department as the operations may in his judgment require."

In conformity with this legislation the department is divided into five major units, with sub-units as indicated below, all of which are responsible to the office of the Chief of Police:

- | | |
|----------------------------------|----------------------------------|
| 1. Office of the Chief of Police | 4. Detective Division |
| a. Assistant to the Chief | a. Inspectors Bureau |
| b. Planning and Research | b. Special Investigations Bureau |
| c. Intelligence | c. Juvenile Bureau |
| d. Internal Affairs | d. Departmental Press Officer |
| 2. Administrative Division | 5. Service Division |
| a. Personnel and Training | a. Record Bureau |
| b. Community Relations | b. Identification Bureau |
| c. Police Reserves | c. Warrant Bureau |
| d. Police Aides and Trainees | d. Report Transcribing Bureau |
| 3. Patrol Division | |
| a. Patrol Platoons | |
| b. Traffic Bureau | |
| c. Animal Shelter | |

Functional supervision of Detective Division personnel at night is provided by the Patrol Lieutenant.

(Revised February 1, 1971)

FUNCTIONAL RESPONSIBILITIES OF THE DIVISIONS

PR 405 OFFICE OF THE CHIEF OF POLICE

Administered by the Chief of Police, assisted by a Captain designated as the Assistant to the Chief.

Function: To set objectives for the department; make plans; develop procedures; organize and reorganize; provide for staffing and equipping the department; adopt rules and regulations for the administration, discipline, equipment, and uniforms of the members and officers of the department, fixing powers and duties, and prescribing penalties for violations of any such rules and regulations, and providing for their enforcement; inspect and promote personnel; coordinate efforts and relationships; establish policies; report on department accomplishments; maintain good public, employee, and official relations; develop the departmental budget; provide general direction of the department; and keep the City Manager informed of incidents or developments that may adversely affect public or official relations.

(Revised February 1, 1971)

a. Assistant to the Chief

Administered by a Captain who is directly responsible to the Chief of Police. Assistance to the Captain is provided by two Sergeants and a Director of Intelligence.

Function: Assume command responsibility for Planning and Research, Intelligence, and Internal Affairs. As directed by the Chief of Police, prepare surveys, studies, and research projects; review official police publications for material pertinent to or of interest to the Department; originate and respond to correspondence; originate and administer grant programs; supervise preparation of the Annual Report, Annual Budget, and the Monthly Report to the City Manager; reply to questionnaires and inquiries from outside agencies and individuals not properly related to other divisions; handle other staff assignments as directed by the Chief of Police. (Added February 1, 1971)

b. Planning and Research

Administered by a Sergeant who is directly responsible to the Assistant to the Chief.

b. Planning and Research (Continued)

Function: As directed by the Assistant to the Chief, prepare surveys, studies, and research projects, plan, program, and schedule visits of outside and foreign officials who are studying local police procedures; originate and respond to correspondence; draft replies to questionnaires and other outside inquiries; prepare the Annual Report, Monthly Report to the City Manager, and assist with the preparation of the Annual Budget; supervise the departmental accountant who is responsible for the payroll, budget accounting, and processing of bill payments and bail funds; screen and process applications for concealed weapon permits; coordinate and prepare Training and Information Bulletins; review and advise the Chief of Police of new legislation, court decisions, and other legal matters that are pertinent to the operation of the Department; assist in the preparation and administration of grant programs; handle other staff assignments as directed by the Assistant to the Chief.

(Added February 1, 1971)

c. Intelligence

Administered by a Director who is directly responsible to the Assistant to the Chief.

Function: To receive, investigate, and evaluate reports, threats, or rumors of mass violence, labor disputes, racial disturbances, riots or other disorders; to receive, investigate, or refer to the proper agencies threats against the President of the United States and other government officials, including representatives from foreign countries; to maintain liaison with appropriate representatives of local, state, and federal agencies regarding matters which may affect the security of persons and property within the City of Berkeley; coordinate security protection for visiting domestic and foreign officials; perform other activities as directed by the Assistant to the Chief.

(Added February 1, 1971)

d. Internal Affairs

Administered by a Sergeant who is directly responsible to the Assistant to the Chief.

Function: To investigate citizen complaints regarding the actions of Police Department personnel and to assist the City Attorney in the investigation of civil claims filed against the City of Berkeley that are related to the actions of Police Department personnel. (Added February 1, 1971)

PR 406 ADMINISTRATIVE DIVISION

Administered by a Captain who is responsible to the Chief of Police. Assistance to the Captain is provided by a Lieutenant, two Sergeants, and the Director of the Police Reserves. (Revised February 1, 1971)

a. Personnel and Training

Function: To cooperate with the City Personnel Department in the preparation and conduct of recruiting and promotional programs; to compile and prepare instructive material and to direct the departmental recruit and in-service training school in conformance with the requirements established by the California Commission on Peace Officers' Standards and Training; to maintain liaison with other police agencies on matters of personnel and training, and to arrange for the interchange of teaching materials and instructors; to collect pertinent information for police training files, and the responsibility for control and maintenance of the police library; to control daily attendance and overtime records, investigating discrepancies such as tardiness, lateness, and absences without leave; processing leaves of absence, terminations and retirements and other work irregularities, and service rating reports on all probationary employees; to develop and control the departmental annual vacation schedule; to prepare and issue departmental orders including personnel strength and assignment charts; to develop and control employee incentive programs; to develop specifications for uniforms and other equipment and to determine that the

a. Personnel and Training (Continued)

equipment used by members of the department complies with specifications; to develop, compile and disseminate information relating to the promotion of health, welfare and morale of police personnel; to schedule annual physical examinations; to develop and supervise effective health and safety programs including the investigation and preparation of proper reports of injuries to personnel received in line of duty, and preparing reports to the State Compensation Fund and City Personnel Department; to cause the investigation and preparation of reports of damage to City owned and leased vehicles and claims for damage to uniforms; to maintain departmental personnel files and develop personnel data as requested by the Chief of Police; to process all correspondence of persons and organizations requesting information concerning police department personnel and training.

(Revised February 1, 1971)

b. Community Relations

Administered by a Lieutenant who is responsible to the Captain of the Administrative Division and who is assisted by a Sergeant.

Function: To direct a broad based program sensitive to the social changes taking place in the community; to arrange to meet with concerned citizen groups in response to neighborhood and community stress conditions involving the police department or public safety; coordinate with similar units in other departments, governmental agencies and community organizations which engage in related programs; improve relationships between the police and groups which are distrustful of authority; respond to requests for officers to speak before community groups and to teach in public schools, training academies, colleges and universities; to schedule building tours of the Hall of Justice; to prepare correspondence in reply to inquiries regarding personnel commendations. (Revised February 1, 1971)

c. Police Reserves

Administered by a Director who is directly responsible to the Captain of the Administrative Division. When Reserves are assigned to police duty, supervision is provided by the commanding officer of the division to which assigned. (Revised February 1, 1971)

Function: To recruit, train, equip, and supervise a volunteer police reserve; to assist regular police personnel when the need for police service exceeds that available from the normal complement of the force; administer the Police Reserve Office; maintain adequate personnel and equipment records; assign police reserves into working field units and provide supervisory personnel from within their ranks.

When required for the protection of the citizens of Berkeley or to cooperate in Civil Defense or disaster plans of the County, State, or Nation, to organize and operate a city-wide Warden Service composed of civilian volunteers; to select, train, equip and supervise the members thereof; to organize and operate courses to teach individual and extended self-protection; to instruct the public on civil defense regulations; to assemble essential data and information on occupants of buildings for use in planning special protective aid during time of enemy attack or other major disaster; to assist police officers in controlling the movements of persons and vehicles, clear streets, assist wounded, extinguish small fires, combat incendiaries, and provide intelligence; to assist and collaborate with other mobile civilian defense units; to maintain liaison with other civil defense organizations; and to maintain adequate records and reports on all activities of this Service.

d. Police Aides and Trainees

Administered by a Patrolman who is responsible to the Captain of the Administrative Division. When Aides and Trainees are assigned to police duty, supervision is provided by the Commanding Officer of the division to which assigned.

PR 406 ADMINISTRATIVE DIVISION (Continued)

d. Police Aides and Trainees (Continued)

Function: To recruit and process applicants to the Aide and Trainee position; to develop and direct a training program for Aides and Trainees; to make assignments of Aides and Trainees to other divisions of the Department; to maintain records necessary to the operation of the program, including the individual's school and work records; to develop a service rating form and implement and control its use; to evaluate, direct, and counsel the development of Aides and Trainees in their career objective.

PR 407 PATROL DIVISION

Administered by a Captain who is directly responsible to the Chief of Police. Assistance to the Captain is provided by four Lieutenants and Platoon Sergeants.

(Revised February 1, 1971)

a. Patrol Platoons

Administered by Lieutenants who are directly responsible to the Captain of the Patrol Division, and who are assisted by Platoon Sergeants.

(Revised February 1, 1971)

Function: The Patrol Platoons, comprising of three beat platoons each working eight hour shifts, and the Fourth Platoon, a unit engaged in crime analysis and tactical deployment for crime prevention, are deployed throughout the City to provide twenty-four hour uniform coverage to all areas. They patrol the streets of the City; observe and investigate persons and circumstances which require attention and affect enforcement of law or prevention of crime; preserve the peace; protect life and property; control public gatherings, perform miscellaneous services relative to public health and safety; examine doors and windows of commercial establishments; receive, process, and investigate complaints by citizens; arrest offenders; prepare reports and testify in court.

(Revised February 1, 1971)

b. Traffic Bureau

Administered by a Sergeant who is responsible to the Second Platoon Lieutenant, and who is assisted by the Director of the Junior Traffic Police and the Officer assigned to the bicycle bureau.

(Revised February 1, 1971)

Function: To administer the ordinances regulating the operation of taxicabs and other vehicles for hire; to enforce traffic regulations in conjunction with the Patrol Division; investigate traffic hazards and initiate remedial measures; review and analyze collision reports, determine violations involved, and sign complaints for hit-run violations; prepare and maintain charts and summaries for use by the Patrol Division in maintaining a selective enforcement program; in conjunction with the Berkeley School Department, train and supervise the Berkeley Junior Traffic Police; administer the ordinance regulating bicycle licensing and operation, and conduct the Bicycle Court; cooperate with the public schools and other agencies or organizations in traffic safety education; conduct specialized traffic surveys and studies and prepare reports for the Chief of Police, City Manager, City Council, or others as directed; cooperate with the City Traffic Engineer in developing engineering plans for the solution of traffic problems; initiate and assist in the preparation of necessary traffic control legislation; furnish traffic control at special functions when beyond the scope of regular patrol officers.

(Revised February 1, 1971)

c. Animal Shelter

Administered by a civilian Poundmaster who is responsible to the Captain of the Patrol Division and who is assisted by four Assistant Poundmasters and one Pound Attendant.

(Revised February 1, 1971)

Function: To operate and maintain the Animal Shelter; secure compliance with ordinances and regulations governing control of animals; collect, keep in custody, care for, and dispose of stray and unlicensed animals.

(Revised February 1, 1971)

Administered by a Captain who is responsible to the Chief of Police. Assistance to the Captain is provided by a Lieutenant, the Director of the Juvenile Bureau, and the Director of the Special Investigations Bureau.

(Revised February 1, 1971)

a. Inspectors Bureau

Commanded by a Lieutenant who is directly responsible to the Captain of the Detective Division.

(Revised February 1, 1971)

Function: To coordinate felony investigations by Patrol Division officers and investigate as necessary all felonies and all cases which may be felonies for the purpose of apprehending, interrogating and prosecuting offenders, and recovering stolen property; interrogate arrested persons referred by the Patrol Division; inspect pawnshops and second hand stores; investigate applicants for used car dealer and wrecking permits; investigate or arrest persons wanted for felonies by other jurisdictions; maintain investigative liaison with outside police departments; supply material for warning merchants of criminal activities; and supply information necessary for effective Patrol Division operations in matters of inter-divisional interest.

(Revised May 1, 1968)

b. Special Investigations Bureau

Administered by a Director who is responsible to the Captain of Detectives. Any male, sworn member of the department may be assigned as Director by the Chief of Police for an indefinite period (normally two to three years), with the working title and pay of an Inspector.

Function: To prevent gambling, prostitution and illegal sale or use of narcotics and alcoholic beverages; prevent other forms of commercialized vice; give particular attention to places where commercialized

b. Special Investigations Bureau (Continued)

vice may be conducted and take every legal means to arrest any who may be engaged in such commerce; inspect and enforce regulations concerning the operation of on and off sale alcoholic beverage establishments; investigate applicants for adult dance permits, skating rink permits, entertainment permits and inspect such places.

(Revised May 1, 1968)

c. Juvenile Bureau

Administered by a Juvenile Bureau Director, a Lieutenant, who is responsible to the Captain of Detectives.

Function: To develop police programs dealing with juvenile control and delinquency prevention; dispose of all cases involving juveniles as prescribed in departmental orders; maintain cooperative relationships with other agencies concerned with juvenile matters; present cases in Juvenile Court; coordinate with other divisions of the department working with juvenile cases; provide individual treatment in the disposition of juvenile offenders; have care and custody of women prisoners; provide for adequate consultation services in certain cases involving women and girls; and investigate applicants for juvenile dance permits.

(Revised May 1, 1968)

d. Departmental Press Officer

Function: Responsible for maintaining liaison with and providing information for the news media pertaining to Police Department investigations and activities.

(Added February 1, 1971)

Administered by a Captain who is responsible to the Chief of Police. Assistance to the Captain is provided by a Lieutenant and four Sergeants. (Revised February 1, 1971)

a. Record Bureau

Function: To maintain report and record files of the department; receive complaints and reports made at the business office of the department and furnish information and answer inquiries as outlined in departmental orders; review police reports and maintain adequate follow-up system to assure completion of each case; operate the telecommunications network terminals and maintain associated records; handle departmental correspondence not otherwise assigned by order or practice; process applications and issue permits; compile and coordinate statistical data, issue reports and provide such information from this data as the department may require; receive bail or arrange court appearances during the hours the Municipal Court Office is closed; maintain liaison with units of other city departments in securing and maintaining adequate communications and services needed in police operations and quarters; account for all monies received by the department from all sources except bicycle licensing and Animal Shelter receipts; maintain and administer the jail, safeguard and provide board for prisoners; inventory and have custody of all property in the possession of or received by the department including prisoners property and evidence, except evidence in the custody of the Detective Division; supervise the maintenance and use of police buildings; provide emergency ambulance service and operate the patrol wagon, and assist other divisions in emergencies as necessary. (Revised February 1, 1971)

b. Identification Bureau

Administered by an Identification Expert who is responsible to the Captain of the Service Division.

Function: To provide identification services, including fingerprinting, photography, maintenance of fingerprint identification and photograph files; examine crime scenes for identification evidence; to conduct handwriting and laboratory examinations and other technical services.

(Revised February 1, 1971)

c. Warrant Bureau

Administered by a Sergeant who is responsible to the Captain of the Service Division.

c. Warrant Bureau (Continued)

Function: To serve outstanding misdemeanor warrants on persons residing inside or outside of the City; service certain criminal subpoenas on persons living outside the City; provide relief duty in cases of manpower or other shortages; and perform other duties as may be assigned. (Revised February 1, 1971)

d. Report Transcribing Bureau

Administered by an Assistant Policewoman who is responsible to the Captain of the Service Division.

Function: To transcribe and distribute all dictated reports submitted by Patrol Division members; duplicate and distribute handprinted reports; prepare and distribute forms and bulletins required in the operation of the Communication Center; and perform other clerical duties as needed. (Revised February 1, 1971)

PERSONNEL PRACTICES

AUTHORITY

The information contained in Appendix I is furnished to acquaint employees with some of the more important personnel policies and practices pertaining to employment in the Berkeley Police Department. Although not presented in the form of regulations each of the subjects covered in subsequent paragraphs has substantive authority in City Ordinance, or in the powers granted to the City Manager or Chief of Police by Charter or Ordinance.

VIOLATION OF ORDERS

Failure of an employee either wilfully, or through negligence or incompetence, to perform the duties of his rank or assignment, or violation by an employee of any Police Regulation or Order, or instruction having the effect of a Regulation or Order, may be considered sufficient cause for discharge, demotion, suspension, or other penalty.

Discharge. An employee may be discharged at any time by the City Manager, but if the probationary period has been completed then such discharge must be for cause. Any employee who has been discharged is entitled to receive a written statement of the reasons for such action.

Suspension. An employee may be suspended from his position by the City Manager at any time for the good of the service, for a disciplinary purpose, or for other just cause. Suspension without pay cannot exceed thirty days, nor can any employee be penalized by suspension for more than thirty days in any fiscal year.

The Chief of Police may suspend an employee for not more than three working days for any one offense.

A superior officer may for the good of the service detach an employee from active duty, require that the employee relinquish his revolver, badge, and other official police credential, and assign the employee to remain at his home pending action by the Chief of Police at the earliest practical moment.

Demotion. The City Manager can demote an employee whose ability to perform his required duties falls below standard, or

for disciplinary purposes. No employee can be demoted to a position for which he does not possess the minimum qualifications. Notice of the demotion must be given the employee not later than two weeks prior to the effective date of demotion and a copy must be filed with the Director of Personnel. Any employee who has been demoted is entitled to receive a written statement of the reasons for such action.

Reduction in Departmental Seniority. The Chief of Police can reduce an employee in departmental seniority with attendant loss of privileges normally determined by such seniority, and as outlined elsewhere in this chapter.

Reduction in Pay--Withholding of Step Increases. The Position and Salary Ordinance of the City of Berkeley provides that the employee must be paid a salary within the range established for his classification. The City Manager can assign an employee to receive any salary within the range covering his classification and consequently can reduce the salary of an employee who has profited by step increases or can withhold the application of step increases included in the range.

RIGHT OF APPEAL TO PERSONNEL BOARD

An employee has the right to appeal to the Personnel Board relative to any situation affecting his employment status or conditions of employment, except in those cases involving a reduction in pay which is part of a general plan to reduce salaries and wages as an economy measure or as part of a general curtailment program; or in cases involving layoffs when necessitated by inclement weather or other adverse working conditions, shortage of work or funds, or material changes in duties or organization. Complaint shall first be made to the Chief of Police. If after presentation to the Chief of Police, or to the City Manager through proper channels, the complaint has not been satisfactorily adjusted the employee may appear before the Personnel Board at any of its public meetings to request a hearing of his complaint, or may file such complaint in writing with the Director of Personnel. In the latter instance, the Director of Personnel will inform each of the Board members, the City Manager and the Chief of Police of the filing and contents of the complaint with the Board.

Upon receipt of any complaint, the Personnel Board conducts an investigation as deemed necessary or advisable. In cases where the employee is entitled to a hearing as a matter of right, or in

cases where the Board deems it advisable to hold a hearing and is not prohibited by ordinance from so doing, such hearing shall be held within twenty days after the request for the hearing is made.

Whenever a hearing on any complaint is to be held, the Director of Personnel notifies the Chief of Police and the person requesting the hearing of the time and place of the hearing.

Upon conclusion of the hearing, the Personnel Board causes its findings and recommendations to be prepared in writing. The findings are countersigned and filed as a permanent record. The Director of Personnel delivers a certified copy of the findings and recommendations to the City Manager and to the employee affected.

The Personnel Board is an advisory body and has no administrative authority. Its hearings are open to the public and the findings and recommendations to the City Manager of the Personnel Board are a matter of public record. The action of the City Manager on the recommendations of the Personnel Board is final and conclusive.

LEAVES OF ABSENCE

The City Manager has the power to grant leaves of absence with or without pay. Insofar as the Police Department is concerned his decision is normally based upon the recommendation of the Chief of Police. The Chief of Police has power to grant leaves of absence without pay not to exceed three days.

Vacation Leave. An annual vacation leave is granted to all permanent, probationary and provisional employees. During the first and second calendar years following appointment vacation leave may be taken as earned at the rate of one and one-sixth days per month of service. In each succeeding calendar year to and including the fifth year the employee shall be entitled to two weeks vacation leave. During the sixth and subsequent calendar years of service up to and including the fifteenth, each employee shall be entitled to three calendar weeks vacation during each calendar year. During the sixteenth and subsequent calendar years up to and including the twenty-fifth, each employee is entitled to four calendar weeks vacation during each calendar year. During the twenty-sixth calendar year of service and during each subsequent calendar year, each employee shall be entitled to five calendar weeks vacation during each calendar year.

(Revised July 1, 1970)

Sick leave may be taken during vacation leave and the vacation leave extended by the length of the sick leave taken provided the Administrative Division Commander is notified before returning to work and a doctor's certificate is presented indicating the nature and length of the illness. (Revised February 1, 1971)

Vacation leave must be taken in units of one week at a time unless under special circumstances the department head and the City Manager approve a lesser amount.

Military Leave. Military leaves are granted in conformity with State Law and Berkeley Ordinance effective at the time application is made for the leave.

Death Leave. In the case of death within the immediate family of an employee, he is entitled to remain absent from duty with pay, in order to attend the funeral or memorial services, for a period not exceeding three (3) working days.

(Revised January 1, 1970)

For the purposes of this rule the immediate family of an employee includes: wife, husband, mother, father, sister, brother, child, grandmother, grandfather, mother-in-law, father-in-law, brother-in-law, and sister-in-law. In special cases with the approval of the Chief of Police, the City Manager may grant a death leave to allow an employee to attend funeral or memorial services because of the death of persons who are not members of the immediate family as defined above.

(Revised January 1, 1970)

Sick Leave. Each employee shall be credited with one (1) working day of sick leave with full pay for each month of service, provided that each employee employed prior to January 1, 1970, shall be credited with two (2) working days of sick leave with full pay for each month of service during the twenty-first year of employment and thereafter.

(Revised July 1, 1970)

Sick leave, when not used, is cumulative; but the accumulated unused period of sick leave cannot exceed one hundred fifty working days, regardless of the length of service. When the maximum of one hundred fifty working days has been reached, and thereafter part of the maximum has been used, the unused part of the maximum may subsequently be replenished at the applicable rate.

All accumulated sick leave shall be cancelled when an employee terminates or is terminated, except that employees who are members of the City of Berkeley Fire and Police pension systems retiring at age 55 or over, but prior to age 60, or with thirty (30) years or more of service regardless of age, shall be entitled to receive payment at retirement for one-sixth ($1/6$) of accumulated unused sick leave days. Members of the City of Berkeley Fire and Police pension systems retiring at age 60 or over shall be entitled to receive payment at retirement for one-third ($1/3$) of their accumulated unused sick leave days. Employees retiring on "permanent total disability" (as the term is applied under the Workmen's Compensation Law of the State of California) arising out of and incurred in the course and scope of his employment with the City of Berkeley shall be entitled to receive payment at retirement for one-third ($1/3$) of his accumulated unused sick leave days. (Revised July 1, 1970)

Employees who have attained the one hundred and fifty (150) day maximum sick leave accumulation shall be entitled to receive annual payment for one-third ($1/3$) of the first twelve (12) days of sick leave days for which they become eligible, do not use, and would otherwise forfeit because of the one hundred and fifty (150) day maximum limitation. Such payment shall be made annually in January, shall be paid at the salary rate in effect on the preceding December 31, and shall be made only in units of whole days. (Revised July 1, 1970)

Sick leave is not considered as a privilege which an employee may use at his discretion, but is allowed only in case of his sickness or disability. However, a maximum of five working days a year may be taken as sick leave because of the illness of a member of the employee's immediate family. This sick leave is deducted from the sick leave accumulated by the employee. (Revised January 1, 1956)

Before an employee is considered entitled to sick leave with pay, he must undergo a health examination. This examination must be undergone within thirty days of the date of original appointment. The examination is at the expense of the City by a physician selected by the City. In addition, annual physical examinations also paid for by the City may be required.

Disability Leave. All probationary and permanent officers of the department, and provisional officers who have worked a total of four months or more, who have suffered any disability arising out of and in the course of their employment as defined by the Workmen's Compensation Insurance and Safety Act of the State of California are entitled to remain absent from duty with full pay until such time as they are able to return to duty or some other final disposition is made of their case. However, provisional officers who have worked a total of four months, or more, are entitled to remain absent from duty with full pay for the period they would have been permitted to remain provisional officers under their employment at the time of injury.

Employment Leave. When an officer of this department requests a leave of absence to accept outside employment the decision as to whether or not the leave shall be recommended is made in a staff conference of the commanding officers of the department and before the leave is granted it must have the approval of the City Manager. The factors which normally determine whether or not a request for a leave of absence will be recommended are:

- a. The officer must have attained permanent status in this department.
- b. The job which the officer desired to take must be in the police or an allied field.
- c. The job must be such that it is not subject to improper influence or will not reflect discredit upon this department.
- d. The leave is not to be for a period of more than six months duration (may be extended only under unusual conditions).
- e. No more than two officers of the department will be permitted leave of absence for this purpose during any given period.
- f. The salary which the employee will receive on the new job must be greater than that being received in the department.
- g. The officer must indicate his intention to return to the department at the completion of the leave.

(Revised 6-11-70)

STATE EMPLOYEES RETIREMENT SYSTEM

Civilian employees of the department, employed on a full time basis, are members of the State Employees Retirement System. Contributions of employees are a percentage of monthly salary. Each year the City contributes an amount equal to, or in excess of, the amount of contributions of the employee. Contribution rates vary as do pension benefits. Details of the system are provided in State Law and by a contract between the City and the State Employees Retirement System. (Revised January 1, 1956).

POLICEMEN'S PENSION ORDINANCE

and

POLICE AND FIRE EMPLOYEES PENSION ORDINANCE

Members of the Police Department are defined in the Policemen's Pension Ordinance and the Police and Fire Employee's Pension Ordinance as any person regularly appointed to service in the Police Department of the City of Berkeley except the Poundmaster, Poundmaster's Assistant, temporary special officers, clerks, stenographers, or other civilian or temporary employees.

(Revised May 1, 1960)

The ordinances establish the funds which are maintained on a contributory basis. Members appointed prior to July 1, 1957, are members of the Policemen's Pension Fund, and members appointed on or after July 1, 1957, are members of the Police and Fire Employees' Pension Fund. The rate of contribution of members is set forth in each ordinance and is a percentage of monthly salary. Each year the city contributes an amount equal to, or in excess of, the amount of contributions of each of the members. The ordinances contain complete details in which the following are some of the important provisions: (Revised June 1, 1957).

Retirement Benefits. Whenever a member serves in the aggregate for any of the periods of service listed below, he is entitled to retire from the service and to receive the pension benefits listed below:

1. After twenty years of aggregate service and upon reaching sixty years of age, one-half of the average monthly salary received during the three years preceding retirement.

2. After twenty-five years of aggregate service and upon reaching fifty years of age, one-half of the average monthly salary received during the three years preceding retirement.

3. After twenty-six years of aggregate service and upon reaching fifty years of age, 53.33% of the average monthly salary received during the three years preceding retirement.

4. After twenty-seven years of aggregate service and upon reaching fifty years of age, 56.67% of the average monthly salary received during the three years preceding retirement.

5. After twenty-eight years of aggregate service and upon reaching fifty years of age, 60% of the average monthly salary received during the three years preceding retirement.

6. After twenty-nine years of aggregate service and upon reaching fifty years of age, 63.33% of the average monthly salary received during the three years preceding retirement.

7. After thirty years of aggregate service regardless of age, two-thirds of the average monthly salary received during the three years preceding retirement. (Revised January 1, 1956)

Benefits to Dependents Upon Death of Retired Member. Upon the death of any retired member a pension equal to one-third of the average salary upon which the pension was based, and upon the death of any member pensioned for disability, a pension equal to one-half of the average salary upon which the pension was based is paid as follows:

1. To the surviving spouse until remarriage or death.

2. Upon the death of the surviving spouse, to the children under the age of eighteen.

3. In the event the pensioner leaves no surviving spouse, to the children under the age of eighteen.

4. In the event the pensioner leaves no surviving spouse and no children under the age of eighteen, to the dependent mother or father.

Loss of Life Resulting From Employment. Whenever any member loses his life as a result of his performance of duty, leaving a spouse, children under the age of eighteen, or dependent mother or father, a pension equal to one-half of his average monthly salary received during the preceding three years is paid as follows:

1. To the surviving spouse until remarriage or death.
2. Upon the death of the surviving spouse to the children under the age of eighteen years.
3. In the event the member leaves no surviving spouse, to the children under the age of eighteen.
4. In the event the member leaves no surviving spouse or children under eighteen, to the dependent mother or father.

Physical Disability Retirement. Whenever any member becomes physically disabled by reason of his performance of duty, he is paid during the period of his disability a pension equal to one-half of his average monthly salary during the preceding three years.

Death from Causes Other Than Employment. Whenever a member dies from causes other than employment, the surviving spouse, children or dependent parents, as the case may be, shall be paid the member's contributions, plus 2% interest on such contributions, plus one month's salary for each year of service not to exceed six months' salary. (Revised January 1, 1956)

Retirement When Disabled From Causes Other Than Employment. Whenever a member becomes physically or mentally disabled from causes other than employment and has \$500.00 or more on deposit in the pension fund, he can retire and receive a pension equal to 1.5% of his average monthly salary received during the preceding three years multiplied by the number of his years of service; provided that a member having more than ten years of service shall receive at least 25% of said average monthly salary. This pension may be reduced so the total earnings and pension do not exceed the salary on which the pension was based. (Revised January 1, 1956)

Refund Upon Separation From The Department. In the event that any member becomes separated from the department and is not entitled to a pension his total contributions paid into the fund are returned, without interest.

The California State Scholarship and Loan Commission has established scholarships for the dependent children of peace officers killed or fatally injured by external violence or physical force incurred in the line of duty. Members of the Berkeley Police Reserve performing active duty functions at the time of fatal injury or death would be considered as a full-time officer for purposes of this program.

Recipients of these scholarships may attend any state college or public university in California, full or part-time. The scholarships will range from \$500.00 to \$1,500.00 per year (to a maximum of \$6,000.00 over a six year period) dependent upon the student's financial need and may be used for subsistence, books, and supplies.

Complete information on the scholarship program is available in the office of the Captain of the Administrative Division.

(Added January 1, 1971)

POLICE TRAINING

The police training program as a matter of policy meets or exceeds all training standards established by the State Commission on Peace Officer Standards and Training and may include lecture courses, demonstrations, field training, assignment of reading matter or other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of officers in the performance of their duties.

Special personnel classifications may be established based on successful participation in training programs and such participation may be considered in making advancements and promotions.

The classification of Senior Patrolman with a salary compensation above that of top step Patrolman has been established to provide advancement opportunities for officers who have at least four years service and who endeavor to improve their individual proficiency by participating in a program of at least 50 hours of approved study or training during the fiscal year preceding appointment to the classification.

The Career Incentive Program establishes four additional classifications, each with a salary compensation above that of the basic rank, in each sworn rank with the exception of Patrolman, Policewoman, and Chief to encourage a career with the Department

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and to recognize the value of trained and experienced personnel. Eligibility is based on a specified minimum length of service and the successful completion of training requirements during the preceding twelve months. (Revised April 1, 1969)

PROMOTIONAL EXAMINATIONS

As the needs of the department may require, promotional examinations are conducted by the Director of Personnel and may consist of evaluation of prior service, accomplishments in special training courses, evaluations of written or oral tests, and such other factors as may appear necessary and desirable. All candidates for promotion must be permanent officers and must possess the minimum qualifications as set forth in the specifications of the class to which promotion is sought.

Upon conclusion of the promotional examination, the Director of Personnel prepares a promotional list consisting of the names of officers successfully passing the promotional examination, arranged in order of final ratings received, from the highest score down to the lowest passing score. Promotional lists remain in effect one year unless they are replaced by new lists or are extended by the City Manager.

The names of officers willing to accept appointment are certified in the order in which they appear on the promotional list. The number of names certified exceed by two the number of vacancies to be filled. Appointments may be made from any of the top three names on the list.

PROBATIONARY PERIOD

All promotional appointments are tentative and subject to a probationary period of six months. Original appointments of all officers are subject to a probationary period of two years.

During the probationary period of each officer, his adjustment, capacity, and general acceptability is rated to determine whether the probationer is fully qualified for permanent status. A report on these qualifications is made to the Director of Personnel at prescribed intervals.

If the service of the probationary officer has been satisfactory there is filed with the Director of Personnel a statement in writing to this effect and stating that the retention of the probationer is desired. If the service has been unsatisfactory, there is filed with the Director of Personnel a statement in writing with the recommendation to the City Manager that the officer be rejected.

PROVISIONAL APPOINTMENTS

In the absence of an employment list from which probationary appointments may be made, a person meeting the minimum qualifications for the class to which the vacant position has been allocated may be provisionally appointed by the City Manager pending the establishment of an employment list in the manner provided by City of Berkeley Personnel Rules and Regulations.

TEMPORARY ASSIGNMENT TO POSITION IN OTHER CLASSIFICATION

As a matter of policy if it is apparent that any officer will, by absence, leave an essential position vacant for more than thirty days, the commanding officer concerned recommends to the Chief of Police an acting appointment for the position, so that there may be a definite placement of responsibility for the function of the position.

Whenever an essential position has been vacant for sixty days, any substantial part of which has been filled by an acting appointment, then beginning on the first day following the sixtieth day the position is filled by a provisional appointment, pending the establishment of a promotional list.

DEPARTMENTAL SENIORITY PRIVILEGES

Departmental seniority is an officer's relative position with respect to all other officers in the department and is determined by the date of his most recent appointment to the department. If two or more officers are appointed on the same date, departmental seniority is determined by the order of appointment. Seniority in rank is an officer's position with respect to all other officers in the department in the same rank. As a general policy seniority in rank governs progress of officers from night work to day work and determines the selection of days off and meal periods. The selection of vacations may be determined either by seniority in rank or departmental seniority. However, the granting of seniority privileges is of secondary importance to the efficient operation of the department as a whole or a division or bureau therein and it is not always possible to make selections on a straight seniority basis. The Chief of Police retains authority to assign personnel in any manner deemed advisable for the best interest of the department provided the employee possesses the minimum qualifications for the assignment.

REPRESENTATIONS

An officer desiring to be absent from a scheduled tour of duty may be represented under limited circumstances by an off-duty officer of the same rank. The procedure for obtaining representation must be in accordance with the departmental General Order on the subject. Representation time must be repaid in time. It cannot be sold or purchased. (Revised January 1, 1956)

OVERTIME

Departmental overtime accumulated as an extension to a regular tour of duty is normally repaid in time off at the time and one-half rate. Other overtime may be paid for at the time and one-half rate based on the officer's regular monthly salary, except that holiday overtime shall be a straight time rate. No overtime can be recovered or paid for except in accordance with departmental orders. Accumulated overtime may not be transferred to an officer of higher rank. Maximum accumulation is 40 hours and, once reached, shall be forfeited if not used within thirty days of notification, except when authorization to the contrary is granted by a commanding officer. Under any circumstance, officers shall use any accumulated overtime in excess of 40 hours within 2 weeks following their employment anniversary, the 2 week period beginning when the officer is personally notified by his supervisor. (Revised August 6, 1970)

Emergency On-Call Status. Employees shall be paid or given compensatory time off for being placed on an emergency on-call status at a one-quarter ($\frac{1}{4}$) time rate for each calendar day or portion thereof during the second and subsequent emergency on-call day of each month, except that if the first emergency on-call day in any month falls on the employee's day off, he shall be compensated at the one-quarter ($\frac{1}{4}$) time rate. (Revised July 1, 1970)

RESIDENCE REQUIREMENTS

Officers whose residences are outside of Berkeley at the time of their appointments are required to establish and maintain residences in Berkeley within sixty days after their appointments. However, this requirement may be modified as provided in Departmental Orders and with permission of the City Manager.

RESIGNATION AND REINSTATEMENT

An officer wishing to leave the department in good standing must file with the Chief of Police, at least two weeks before

leaving, a written resignation stating the effective date and the reasons for leaving. Failure of the officer to give the notice required is entered on his service record and may be cause for denying future employment by the City.

An officer who has resigned with a good record may be reinstated within two years to his former position, if vacant, or to a vacant position in the same or comparable class. Reinstatement is a privilege, not an obligation, and final determination will be made by the City Manager at the time application is made for reinstatement.

ENDORSEMENT

Each employee is instructed to immediately familiarize himself with the Police Regulations as revised effective February 1, 1971.

Within 30 days of receipt of the Police Regulations, each employee shall sign the appropriate endorsements below and forward to the Personnel Officer.

Any portion of the Police Regulations or General Orders not understood by the employee shall be referred to his supervisory or commanding officer for clarification.

Endorsement Number 1

This acknowledges receipt of a copy of Police Regulations as revised effective February 1, 1971.

Signed _____
Date _____

Endorsement Number 2 (For use by personnel below the rank of Sergeant)

This is to certify that I have read and understand the Police Regulations as revised effective February 1, 1971.

Signed _____
Date _____

Endorsement Number 3 (For use by Supervisory and Commanding Officers)

This is to certify that I have read and understand the Police Regulations as revised effective February 1, 1971.

I further understand that it is my responsibility to enforce all regulations and orders as they apply to members under my supervision or command and to report to my commanding officer all violations by personnel not under my supervision or command which violations are likely to bring discredit on the department or to seriously impair or endanger police efficiency.

Signed _____
Date _____

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